

# Can Luck Egalitarianism Justify the Fact that Some are Worse Off than Others?

Robert Huseby, Department of Political Science, University of Oslo

**Word count:** 6392

**Abstract.** According to luck egalitarianism it is bad or unjust if someone is worse off than another through no fault or choice of her own. This paper argues that there is a tension in standard luck egalitarian theory between justifying absolute and comparative welfare levels. If a person responsibly acts in a way that brings her welfare level below that of others, this is justified according to the theory. However, even if we can say that the person's new welfare level is justified in absolute terms, it is less clear that her now being worse off than others, is justified (a similar idea is explored by Hurley 2005). The reason is that while she has in one sense chosen her (new) welfare level, she has not chosen to be worse off *than* others. Her relative standing, something with which egalitarians ought to be concerned, is determined by her choices in conjunction with the choices of all others. But no individual controls the choices of all others. Hence for any one individual it is the case that her relative standing is beyond her control. Some responses to this problem are available. It is doubtful, however, that these are entirely successful.

**Keywords:** Absolute welfare levels – Choice – Circumstance – Luck egalitarianism - Relative welfare levels

## 1. Introduction

Luck egalitarianism, or the species of this theory that I will refer to as *choice egalitarianism*, is intuitively a compelling theory of distributive justice. While equality is the default position, *inequalities* are justified to the extent that they follow from choice (or option luck) rather than chance (or brute luck). According to Richard Arneson,<sup>1</sup> we can distinguish conceptually between the equality aspect and the luckist aspect of luck egalitarianism. Equality, as the ideal has been interpreted by Derek Parfit, Larry Temkin, G. A. Cohen, and others, is essentially a comparative notion, according to which it is bad if someone is worse off than others, regardless of whether she is also badly off in absolute terms.<sup>2</sup> The luckist element adds to this one type of justification for inequalities. Inequalities are just if (and only if) they result from the exercise of free choice. If you and I are equally well off, and I voluntarily act in a way that reduces my welfare level, the resulting inequality between us is justified.

This standard picture, however, runs together the justification of two different, but necessary things. First, the fact that I am now worse off than I was, must be justified. That is the easy bit. Given a commonsensical understanding of choice and responsibility, it would be preposterous for me to claim compensation from you for the negative welfare effects of my own free choices. However, even if the luckist element is then satisfied, more is needed for the egalitarian requirement to be fulfilled. The fact that I am justly stuck with my new welfare level does not by itself vindicate the claim that I am now justly worse off *than you*.<sup>3</sup> The reason is that while my absolute standing is within my control, my relative standing is not.<sup>4</sup> However, since egalitarianism is, as noted, a comparative doctrine, it does not seem sufficient only to justify a persons' absolute standing. Her relative standing must be justified too, and

that, I think, is something that luck egalitarianism, at least in one central guise, does not deliver.<sup>5</sup>

In the following I will, in section 2, specify the version of luck egalitarianism, namely choice egalitarianism, with which I will be concerned in this paper. In section 3 I address the distinction between choice and circumstance, or option luck and brute luck. In section 4 I set out an argument - related to Susan Hurley's - to the effect that choice egalitarianism can not justify differential welfare levels. Sections 5 through 7 consider different responses and objections to this argument, while section 8 concludes.

## **2. Luck Egalitarianism(s)**

In a widely cited passage, Temkin holds that "...it is bad - unjust and unfair - for some to be worse off than others through no fault [or choice] of their own."<sup>6</sup> Cohen expresses a similar view when he claims that "...luck egalitarians accounts it an unfairness when some are better off than others through no fault or choice of their own."<sup>7</sup> According to Arneson, "...[o]ther things equal, it is bad if some people are worse off than others through no voluntary choice or fault of their own."<sup>8,9</sup>

These standard statements of luck egalitarianism leave out an important aspect of the view. They are all perfectly compatible with straightforward equality of welfare.<sup>10</sup> It is abundantly clear from the luck egalitarian literature, however, that a large part of the purpose is to justify certain *inequalities*.<sup>11</sup> A full specification of luck egalitarianism requires something like the following: "...and it is *not* bad – unjust or unfair - for some to be worse off than others through some fault [or choice] of their own."<sup>12</sup> Luck egalitarians, then, draw a fundamental distinction between choice and circumstance (or option luck and brute luck). Inequalities that stem from circumstance are unjust, while inequalities that follow from choice are not.

As indicated, there are different versions of luck egalitarianism, several of which may be perfectly plausible for all I say in this paper. The specific version of the doctrine that I will discuss (choice egalitarianism) adheres to the canonical statements referred to above, but emphasizes choice rather than fault. Though fault might be taken to be synonymous with choice, it can also point in the direction of desert. Choice egalitarianism as I conceive of it is not a desert-theory, either on a moral or a prudential understanding.<sup>13</sup> A moral desert luck egalitarian would prefer agents to have welfare levels in proportion to the moral value of their choices (or character).<sup>14</sup> A prudential desert luck egalitarian would like agents to have welfare levels proportionate to the prudential value of their choices. On this view, if A does x, and x is a prudential choice, A deserves a particular welfare level, in absolute or comparative terms.

On choice egalitarianism, on the other hand, A's choice is her responsibility, and she should take the consequences. Not because she *deserves* it, but because she is morally responsible for taking on the costs (and gains) that results from her own choices.<sup>15</sup> What choice egalitarianism fundamentally objects to is the unfairness of differential (welfare effects of) circumstance or brute luck. Differential welfare stemming from sources other than brute luck, such as (responsible) choice, or option luck, is not unfair, and there is hence no need for redistribution. These gains and losses are unobjectionable from the point of view of justice even if they are not morally or prudentially deserved.

All this is not to deny that it could be perfectly reasonable to let desert play a role in distributive justice,<sup>16</sup> it is just to say that choice egalitarianism does not turn on desert considerations, but on the unfairness of being worse off than others through no choice of your own. Note also that even for desert based versions of luck egalitarianism, the argument presented below will be of some interest, to the extent that these versions are combined with choice egalitarianism in cases where individuals are equally deserving.<sup>17</sup>

Further, choice egalitarianism is an ex post view. It considers whether agents have claims for compensation in virtue of being worse off than others through no choice of their own, continuously.<sup>18</sup> This contrasts with equality of opportunity for welfare theories. While the term equality of opportunity is sometimes used interchangeably with luck egalitarianism, it also denotes a theory which implies that justice is fulfilled to the extent that individuals at some relevant point in life face opportunity sets that are equivalent in terms of expected outcomes.<sup>19</sup> These theories fall outside the scope of this paper, because they do not clearly conform to the luck egalitarian formulation that is the focus of the present article. Equality of opportunity views do not generally imply that it is bad if some are worse off than others through no fault or choice of their own, so long as the prospects have been equal at some point.<sup>20</sup>

In sum, what I will discuss is the form of luck egalitarianism that is choice (or responsibility)-based, and that assesses distributions ex post rather than ex ante. While actual luck egalitarians hold a variety of views which differ in terms of how the available components are combined, choice egalitarianism is in my view a plausible rendering of how luck egalitarianism is generally conceived. It also conforms to the canonical statements referred to above (minus “fault”).

### **3. Choice and Circumstance/ Option Luck and Brute Luck**

There are various ways of distinguishing between choice and circumstance. For present purposes, Lippert-Rasmussen’s Cohen-inspired definition will work well.

(1) *Y* is a matter of luck for *X* if, and only if, (i) *X* is not responsible for *Y*; and (ii) *X* is not responsible for *Y* if, and only if, *Y* is not, in an appropriate way, the result of a choice made by *X*.<sup>21</sup>

In order to expose the ambiguity suggested above, we can replace Y in (1) with either “X’s welfare level” or “X’s relative welfare level”.

(1\*) [X’s welfare level] is a matter of luck for X if, and only if, (i) X is not responsible for [X’s welfare level]; and (ii) X is not responsible for [X’s welfare level] if, and only if, [X’s welfare level] is not, in an appropriate way, the result of a choice made by X.

(1\*\*) [X’s relative welfare level] is a matter of luck for X if, and only if, (i) X is not responsible for [X’s relative welfare level]; and (ii) X is not responsible for [X’s relative welfare level] if, and only if, [X’s relative welfare level] is not, in an appropriate way, the result of a choice made by X.

Intuitively, it seems that choice *egalitarians* would have (at least) the latter interpretation in mind, because on that view, as shown by the quotes from Temkin, Arneson, and Cohen, it is bad if someone is *worse off than others*, through no choice of her own, not that someone is worse off than she used to be.<sup>22</sup>

Many choice egalitarians hold, however, that *option* luck belongs within the realm of choice rather than circumstance, despite the fact that option luck (unsurprisingly) encompasses luck of some sort. According to Dworkin:

Option luck is a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles.<sup>23</sup>

In the following, I will largely abstract from the question of option luck (see however section 7), and discuss cases in which the risk associated with voluntary acts is non-existent or at least

very small. (It is not clear to me that option luck can justify inequalities the way some choice egalitarians suppose, but I will not address that question here).<sup>24</sup>

#### **4. Why Choice Egalitarianism Cannot Justify Relative Inequalities**

I now want to argue that contrary to what one might initially think, (and for reasons suggested above) choice egalitarianism cannot supply the required justification of relative inequalities. More specifically, choice egalitarianism cannot justify that A is worse off *than* B. (Note again that I assume that *welfare* rather than resources is the relevant equalisandum). In most realistic cases, relative welfare levels are influenced by chance to the extent that choice is rendered insignificant as an explanatory factor with regards to any given instance of inequality. The upshot is that choice egalitarianism will be *generally unable to justify inequalities as such*, regardless of whether it can justify any pair of individual welfare levels in absolute terms. In order to see why I think this is the case, let us focus on a small isolated community consisting of only two individuals, A and B. Consider the following scenario (the numbers refer to A and B's welfare levels):

1) A: 10, B: 12

On standard choice egalitarian reasoning, the *only* available justification for this situation of inequality is that B has made different choices than A, and that these choices have led to a higher welfare level for her, for reasons not influenced by brute luck. (As noted, I assume here that the choices are also free of influence by option luck). Surely, choice egalitarians can have other commitments, moral and pragmatic, that could, all things considered, justify the discrepancy between A and B. But these other reasons (for instance efficiency), are not choice

egalitarian reasons. I am interested here in what follows from choice egalitarianism, and not what follows from choice egalitarianism all things considered.

Assume, then, that the discrepancy really is caused by the fact that A and B have made different choices. The distribution is then presumably just according to the theory. Now consider an alternative situation:

2) A: 10, B: 8

Assume that this situation is (presumably) justified as well, for the same reasons (except that, obviously, in 2) B has made different choices from those she made in 1)). Both 1) and 2) are, it seems, perfectly in order from a choice egalitarian point of view. Now consider another situation, which is also justified (because A and B have made similar choices).<sup>25</sup>

0) A: 10, B: 10

Let us imagine that 0) represents the actual current state of affairs, and 1) and 2) above represent two possible versions of a subsequent state of affairs, only one of which will actually materialize. Whether or not 1) or 2) comes about, depends entirely on how B acts in a given situation. Both individuals have free will, we suppose, and the question of how B will choose is a genuinely open question.

For illustration we can imagine that A and B are in 0) (justly) equally well off, and that they are presented with three alternative courses of action, the outcomes of which are known by both agents. Either they can engage in an activity that offers a short-term gain followed by a long-term loss (trying some moderately harmful, but enjoyable drug, for instance), or they can engage in an activity that offers a short-term loss, followed by a long-term gain (drinking



a repulsive herbal tea with beneficial health effects, for instance), or they can do neither. We can further stipulate that the risk involved in all options is insignificant, bypassing any problems concerning option luck. As it happens, A foregoes both the drug and the tea in both 1) and 2), while B drinks the tea in 1), whereupon her welfare level increases, and tries the drug in 2), whereupon her welfare level decreases.

However, if 1) and 2) are both (parts of) possible worlds, the following question arises: If A behaves in *exactly* the same way in 1) and 2), how can it be the case that, to paraphrase the luck (choice) egalitarian slogan, she is, in 1), *worse* off than others through her own choice, while she is, in 2) *better* off than others through her own choice? The difference between the two scenarios is simply not attributable to A. She has no control (we assume) over whether 1) or 2) will obtain. She cannot, to put it bluntly, be responsible for the choices of other people (in this case, B). Other people's choices (given that A does not influence these, as we assume here, and which in most real-life cases is a perfectly reasonable assumption), is not within the scope of A's control. Rather, other people's choices belong to A's circumstances.<sup>26</sup> For all that, other people's choices, in conjunction with A's own choices, determine whether or not A is worse off than, better off than, or equally well off as, others. It is clearly false to say that A is worse (or better) off *than others* due to her own voluntary choices.<sup>27</sup> Insisting that A is responsible for her resulting relative welfare level then, seems to violate core choice egalitarian commitments. Both 1) and 2) are thus unjustified, to the extent that they materialize (and we assume that one of them will).

With this scenario in mind, we can revisit the notion of responsibility presented above

(1\*\*) [X's relative welfare level] is a matter of luck for X if, and only if, (i) X is not responsible for [X's relative welfare level]; and (ii) X is not responsible for [X's relative welfare level] if, and only if, [X's relative welfare level] is not, in an appropriate way, the result of a choice made by X.

To say that A is responsible for her relative welfare level, when it depends crucially on B's actions, is implausible,<sup>28</sup> since her actions are compatible with all possible outcomes; her being better off than B, worse off than B, and equally well off as B. Even though in this particular example, it is the actions of B that seem to determine the outcome, this is just due to the fact that for reasons of illustration, A's choice is kept constant. But everything I have said about A holds true of B as well. Her relative welfare level is a result of her *and* A's actions.<sup>29</sup>

Having now stressed that the comparative welfare level of A and B is a result of *both* their actions, there might be some grounds for suggesting that they split the bill, so to speak, and hold that the difference, the inequality between their welfare levels, is partly the responsibility of both, and that, accordingly, the one who ends up better off ought to compensate half of what it would take to restore equality between them. That seems to me to be a mistake. What is at issue is the *relation* between their welfare levels. While it is (of course) A's choice to stay at 10, and B's choice to either move to 8 or 12, it is very unclear that the resulting *relation* can be properly attributed to *either* of them. Consider two people who are asked to write a number from 1 to 9 on a piece of paper, both unaware of what number the other writes. The two resulting numbers are either equal, or they are not. It seems clear that even if each person chooses which number she writes, the resulting *relation between the numbers* cannot be attributed to either one of them, nor can it plausibly be attributed to both. The relation between the numbers is, from the perspective of each individual, a matter of chance. Thus, even splitting the bill would result in an inequality for which no one is responsible. And this seems wrong to the extent that inequalities can only be justified with reference to responsibility.

This argument admittedly rests on some simplifications and stipulations. However, the problem is quite general. It is hard to imagine that people's comparative welfare levels will

not to a large extent reflect the choices of other people. The simple point is that for any distribution in which X is (apparently correctly) worse off than Y, there is bound to be an alternative possible distribution in which X is (equally apparently rightly) better off than Y for reasons that are not attributable to X, and that hence belongs to X's circumstances rather than her choices, and the other way around. I conclude, then, that in most circumstances, people are simply not worse off than others through their own choice.

Notice that several authors have suggested that certain welfare discrepancies that appear to follow from choice are really the result of chance or circumstance. Matthew Seligman has outlined a bargaining problem that is related to the argument presented above. He envisages a small island inhabited by ten people whose native skills and resource bundles are equal. However, while nine of them have bad option luck trying to catch fish, the tenth, Gates, tries a riskier strategy, and manages to catch a whale. Gates is now much better off than the others. When the others want to trade in order to get hold of some of the whale meat, Gates finds himself in a superior bargaining position, due to his excellent option luck. He thus trades his meat against the labor and half of the future earnings of the others. After a while, of course, Gates is *much* better off than the others, something which intuitively appears unjust.<sup>30</sup> According to Seligman, the unfortunate fishermen's

... weak bargaining position is not solely the result of their bad option luck; it is also the result of Gates's good option luck. If he had not done so well, then he would not have had leverage over them. Leverage is a relational property between two positions, and thus is a function both of their resource level and of Gates's resource level. Since the latter is not the result of any choice of theirs, their bargaining position is at least in part a matter of subjective chance for them. Moreover, Gates's decision to exercise his leverage is clearly a matter of subjective chance for them.<sup>31</sup>

Seligman, then, points to the important insight that an inequality can arise from a combination of choice and chance. On his view, this fatally undermines luck egalitarianism. My argument, however, generalizes this point beyond bargaining leverage.<sup>32</sup>

Susan Hurley, as noted, has discussed a similar problem to the one set out here. She argues that “[e]ven when people are responsible for their own positions, it obviously does not follow that they are responsible for the relations between their position and the positions of others.”<sup>33</sup> Hurley uses this argument to show that luck neutralization cannot specify an egalitarian distribution in particular.<sup>34</sup> I am in complete agreement with her observations concerning the degree of control one can have over one’s relative welfare level, but my purpose is a bit different. My aim is to argue that *even if* choice egalitarianism is independently specified, it does not follow that apparently chosen inequalities are morally acceptable (from the point of view of the theory).

## **5. Resorting to Absolute Levels**

At this point, one could imagine that choice egalitarians, faced with the challenge of justifying comparative levels, could insist that it is sufficient to justify individual levels in *absolute* terms. On this view, corresponding to (1\*) above, we would start with initial equality, and then let agents take the costs and gains flowing from their own responsible choices, while eliminating any effects of brute luck on their absolute welfare levels. If B tries the drug, it is her problem, and she should take the costs. Since her welfare level is now unproblematic, and A’s welfare level is equally fine from a moral point of view, nothing more needs to be said, popular slogans notwithstanding.<sup>35</sup> If B experiences bad brute luck, on the other hand, she should be compensated, because her absolute welfare level would now be influenced by factors for which she is not responsible. What matters is that a person’s absolute welfare level is determined by choice and not luck.

I do not think this will work. Suppose that agents do start from a position of equality.<sup>36</sup> If B then suffers bad brute luck, she is entitled to compensation. The reason, on this view, is that her individual, absolute level, is now unjustified, because it is influenced by chance. The reason is *not* that she is now worse off *than others*, because this view does not attempt to justify relative levels. This would, however, have the implausible (and strikingly non-choice-egalitarian) implication that B has a claim for compensation for her bad luck, *even if the exact same bad luck befell everyone else*. Whether or not B is entitled to compensation depends on reasons that has nothing to do with her relation to others. The same is true of the others, and all of them, as it happens, have claims to compensation for the exact same reason as B. All are now worse off than they used to be through no choice of their own. This is bad, on the view suggested here, because this view is not concerned with relative standing.<sup>37</sup> Clearly, that seems to be both absurd and in conflict with choice egalitarianism. While egalitarians of most stripes may value welfare, and for that reason think it bad if everyone suffers bad brute luck in equal measure, that is no reason to think the resulting situation *unfair*. It also seems odd to assume that everyone has claims for compensation in a situation where everyone is equally well off, and everyone has acted equally responsibly.

Further, it appears that on this view, it would be *equally* problematic if everyone experiences the same amount of *good* brute luck. After all, in such a situation too, no one is responsible for being better off than they used to be, and if welfare levels need to be justified by reference to choice, good and bad brute luck seem to be on a par. It appears then, that justifying absolute, rather than relative welfare levels, is not a viable solution.

## **6. Resorting to Brute Luck Equality**

An alternative would be to say that luck egalitarianism is not concerned as such with justifying either absolute or relative welfare levels. Rather, what matters is the equal

distribution of (the welfare-effects) of brute luck. This is in line with many formulations of luck egalitarianism. Cohen, for example, insists that "...a large part of the fundamental egalitarian aim is to extinguish the effects of brute luck on distribution."<sup>38</sup> If this formulation is sufficient, it seems that no problems would arise.

Such a view would not be explicitly committed to the choice (luck) egalitarian idea that it is bad if someone is worse off than others through no choice of her own. Neither would it be committed to the idea discussed in section 5 above. Any welfare level, and any relation between welfare levels, would be justified to the extent that the agents had equal amounts of brute luck, or rather an equal surplus or deficit in welfare as a result of brute luck. This view, then, would not be concerned with a situation in which everyone experiences the same good or bad brute luck, so long as their prior level of brute luck was equal.

However, as Cohen also insists, the reason *why* differential brute luck is problematic is precisely that inequalities that arise from brute luck are unjust.<sup>39</sup> Later in the same paper, he repeats the phrase that luck egalitarians find it unfair "...when some are better off than others through no fault or choice of their own..."<sup>40</sup> It seems then, that for him, the luck egalitarian slogan and brute luck equality are intended to mean the same. This seems reasonable, since it is likely that a plausible answer to why brute luck, of all things, is what should be distributed equally must refer to responsibility and choice. And this, it seems, is just the negative way of arguing that only responsible choice can justify inequalities. If so, this view, is not really distinct from choice egalitarianism, and the problems related to the justification of relative welfare levels discussed above resurfaces.<sup>41</sup>

## **7. Mere Option Luck?**

One might argue that voluntary acts which affect one's welfare level can be seen as a piece of option luck with regards to one's *relative* welfare level. If I choose the tea, I have a

probability  $p$  of ending up equally well off as you, and a probability  $1 - p$  of ending up better off than you. If I choose the drug, I similarly have a probability  $p$  of ending up equally well off as you, and a probability  $1 - p$  of ending up worse off than you.<sup>42</sup> I have portrayed other people's choices as brute luck. But couldn't it be argued that these choices really belong to the realm of option luck?

In my view, other peoples' choices, in general, do belong to brute luck. Recall that according to Dworkin, option luck "...is a matter of how deliberate and calculated gambles turn out – whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined."<sup>43</sup> To me this does not seem to encompass the influence that other individuals' choices have on your relative welfare level. There are numerous choices in life that are such that it makes no sense to say that they are calculated and that the risks involved could have been declined. It is very hard for me to decline the risk involved in other peoples' choices. Also, many important choices are, unlike gambles, pressed upon us. I have to choose whether or not to take an education. And if I chose to take an education, I have to pick one rather than another. I have to either apply for jobs or not, and if I do, I have to apply for some rather than others. And so on. These choices are not calculated or accepted as isolated risks, the way betting on the race tracks is. And in making these choices, it seems that even when we do accept isolated risks, we do so with regards to our own welfare level, rather than our relative welfare level.

One could, I suppose, just *stipulate* that the category of circumstance (or brute luck) does not plausibly encompass the choices of others. This would, nominally at least, save the day for choice egalitarianism. But it would not provide much of a substantial defense. If choice egalitarians have reason to justify inequalities between people's welfare levels in such a way as to keep brute luck out of the picture, the redefinition will not do much work. It would keep the theory within the letter, but not the spirit of its own charter.

## 8. Concluding Remarks

Some might want to put the finer points aside and protest that it is absurd to claim that B should be compensated if she voluntarily takes the drug. I do not disagree. My goal has not been to muster support for the conclusion that B should be compensated. I have only tried to show that if we do not, we accept that B is worse off *than* A for reasons that do not belong within the realm of B's choice. Although she chose to take the drug, she did not choose the ensuing relation between her and A's welfare levels. There seems to be a tension in choice egalitarianism that is swept under the carpet by the assumption that choice justifies absolute as well as relative standing.<sup>44</sup>



---

<sup>1</sup> Richard Arneson, 'Luck Egalitarianism: An Interpretation and Defense', *Philosophical Topics*, 32, 1/2 (2006): 1–20, cited in Kasper Lippert Rasmussen, 'Justice and Luck: Revised Edition,' *Stanford Encyclopedia of Philosophy* (2014) (<http://plato.stanford.edu/entries/justice-bad-luck/>).

<sup>2</sup> Of course, egalitarians can – and most often do - think that it is bad that someone is badly off, but not for egalitarian reasons.

<sup>3</sup> A related distinction is noted in Richard Arneson, 'Luck Egalitarianism and Prioritarianism', *Ethics*, 110, 2 (2000): 339-349, p. 340. Arneson does not, however, discuss the tension between these two aspects of luck egalitarianism.

<sup>4</sup> After drafting this paper, I was made aware that S. L. Hurley discusses this issue under the label “the boring problem.” As should be clear from the main text, I do not find it equally boring. I return to Hurley’s treatment below. See S. L. Hurley, *Justice, Luck, and Knowledge* (Cambridge MA.: Harvard University Press, 2005), 159-64.

<sup>5</sup> For other criticisms and interpretations of luck egalitarianism, see Elisabeth Anderson, 'What is the Point of Equality?' *Ethics* 109, 2 (1999): 287-337; Nir Eyal, 'Egalitarian Justice and Innocent Choice', *Journal of Ethics and Social Philosophy*, 2, 1 (2006): 1-18; Samuel Scheffler, 'What is Egalitarianism?' *Philosophy and Public Affairs* 31, 1 (2003): 5-39.

<sup>6</sup> Larry Temkin, *Inequality* (Oxford: Oxford University Press, 1993), p. 13.

<sup>7</sup> G.A. Cohen, *On the Currency of Egalitarian Justice, and other Essays in Political Philosophy*, (edited by Michael Otsuka) (Princeton and Oxford: Oxford University Press, 2011), p. 119.

<sup>8</sup> Richard Arneson, 'Equality and Equal Opportunity for Welfare', *Philosophical Studies* 56, 1 (1989): 77-93, p. 85. Arneson has since abandoned egalitarianism, and now endorses a form of luck prioritarianism (see Richard Arneson 2000 op. cit.).

<sup>9</sup> There is, of course, lively debate among egalitarian theorists about the proper currency of justice. Here I will not consider that question at all, but simply use the term “welfare”. I do not think the main argument depends on the equalisandum-question.

<sup>10</sup> See Kasper Lippert-Rasmussen, 'Luck Egalitarianism and Group Responsibility' in C. Knight and Z. Stemplowska (eds.) *Responsibility and Distributive Justice* (Oxford: Oxford University Press, 2011), p. 100, note 6.

<sup>11</sup> Cohen 2011 op. cit., p. 116.

---

<sup>12</sup> This feature is present in the following formulation of luck egalitarianism “[i]t is in itself bad with regard to inequality if, and only if, people's comparative positions reflect something other than their comparative exercises of responsibility.” Kasper Lippert-Rasmussen, ‘Debate: Arneson on Equality of Opportunity for Welfare’, *The Journal of Political Philosophy*, 7, 4 (1999): 478-487, p. 479. This formulation is strictly speaking compatible with a view that is diametrically opposed to the one it is clearly intended to capture, that is a view insisting that people should have more welfare the less responsible they are.

<sup>13</sup> See Lippert-Rasmussen 2014 op. cit., pp. 6-7, for similar distinctions between responsibility-based and desert-based luck, and between moral and prudential desert. See also Richard Arneson, ‘Luck Egalitarianism – A Primer’, in C. Knight and Z. Stemplowska op. cit.

<sup>14</sup> Larry Temkin, ‘Justice, Equality, Fairness, Desert, Rights, Free Will, Responsibility and Luck’, in C. Knight and Z. Stemplowska op. cit., p. 54.

<sup>15</sup> This does not mean that she should necessarily take all the actual costs and keep all the actual gains from her choices. There are different ways of figuring out exactly how much of the cost A should take for the injuries that follows from her reckless driving. Even if she chose to drive recklessly, the consequences could be influenced by luck in such a way that some of the cost should be distributed. However, I assume that choice egalitarians can come up with a plausible scheme for calculating what share of the costs of the consequences of a given action that belongs to the agent.

<sup>16</sup> See Arneson 2011 op. cit.

<sup>17</sup> Temkin 2011 op. cit., pp. 68-9.

<sup>18</sup> The term “continuously” might suggest a partial ex ante view. The point is that ex post views are not satisfied by relevant equality at some early point in people’s lives (see main text below). However, it would be odd to even things out only at a very late point in people’s lives. If it is bad that someone is worse off than others through no choice of her own, I take it that equalization should take place continuously.

<sup>19</sup> Arneson 1989 op. cit.

<sup>20</sup> See Lippert- Rasmussen 2011 op. cit. p. 100, note 8; Peter Vallentyne, ‘Equality, Brute Luck and Initial Opportunities’, *Ethics* 112, 3 (2002): 529-557, for further discussion. This raises a question concerning Cohen’s position, however. Cohen writes approvingly of Arneson’s equality of opportunity for welfare, and assumes that his own equality of access to advantage lies close to that view (Cohen 2011 op. cit., p. 3). However, it seems that Cohen’s distaste for differential brute luck runs too deep to be compatible with equality of opportunity for

---

welfare. One might also argue that there is a relevant (in the present context, at least) difference between having access to something (Cohen's term), and having equal opportunity for something (Arneson's term). If we are both thirsty, and we both have a 50% chance of getting hold of a large glass of cold water, and the outcome is a matter of brute luck, our opportunities (for water) are equal. It does not follow that we have equal access to a glass of water. Further, once nature has made its move, only one of us actually gets the water, and while equality of opportunity (for water) is then satisfied, it is not clear that we can say that we now have (or had) equal access to water. I assume in the following that Cohen is a choice (luck) egalitarian, rather than a "champion of equality of opportunity for welfare," a label he accepts (for heuristic reasons) (Cohen 2011 op. cit., p. 83).

<sup>21</sup> Lippert Rasmussen 2014 op. cit. See also Cohen 2011 op. cit., p. 13.

<sup>22</sup> See Derek Parfit, 'Equality and Priority', *Ratio* 10, 3 (1997): 202-221, p. 204.

<sup>23</sup> Ronald Dworkin, *Sovereign Virtue* (Cambridge Mass.: Harvard University Press, 2000), p. 73.

<sup>24</sup> See however Cohen 2011 op. cit., pp. 124-143; Kasper Lippert Rasmussen, 'Egalitarianism, Option-Luck, and Responsibility', *Ethics* 111, 3 (2001): 548-79; Michael Otsuka, 'Luck, Insurance, and Equality', *Ethics*, 113, 1 (2002): 40-54.

<sup>25</sup> Of course, A and B could have made different choices, if the choices all in all led to the same welfare level. For simplicity, however, I assume that the choices (and their welfare-effects) are similar.

<sup>26</sup> There could be situations in which A and B are either in control of each others' actions, or for some reason coordinate their behavior. Typically, however, they do not. Further, in larger contexts, it is impossible for them to do so. While some of us can influence a few choices a few people make, it is fair to say that we do not control the actions of (seven billion) other people (and even fairer to say that people in general do not simultaneously control each other's choices).

<sup>27</sup> Compare Hurley 2005 op. cit., pp. 160-161.

<sup>28</sup> Compare Seligman's remarks about bargaining leverage cited below.

<sup>29</sup> While the example concerns choices that directly affect welfare levels, the same point applies to choices pertaining to tastes (or the rate at which resources are turned into welfare).

<sup>30</sup> Matthew Seligman, 'Luck, Leverage, and Equality: A Bargaining Problem for Luck Egalitarians', *Philosophy and Public Affairs* 35, 3 (2007): 266-292, pp. 272-3.

<sup>31</sup> Seligman op. cit., p. 277.

---

<sup>32</sup> Notice that Seligman's argument is generalizable to larger social contexts. However, his argument concerns bargaining positions, while my argument pertains to inequalities as such, and does not require differential option luck or social interaction. For another discussion of ways in which the outcome of one's choices might depend on the choices of others (specifically in certain collective action situations), see Lippert-Rasmussen 2011 op. cit.

<sup>33</sup> Hurley 2005 op. cit., p. 160.

<sup>34</sup> Hurley 2005 op. cit., pp. 147-148.

<sup>35</sup> I am grateful to an anonymous reviewer for raising this point.

<sup>36</sup> I am not gesturing at equality of opportunity for welfare here. Rather, I am trying to establish some neutral starting point at which (ex post) choice egalitarianism can start applying.

<sup>37</sup> See Hurley 2005 op. cit., p. 156. Hurley is here concerned with counterfactual (as opposed to interpersonal) notions of brute luck, rather than the justification of intrapersonal (as opposed to interpersonal) welfare levels.

<sup>38</sup> Cohen 2011 op. cit., p. 116.

<sup>39</sup> Cohen 2011 op. cit., p. 116.

<sup>40</sup> Cohen 2011 op. cit., p. 119.

<sup>41</sup> There might of course be other ways of understanding brute luck equality, than Cohen's. If so there can be cases in which brute luck equalizing and choice (luck) egalitarianism do not overlap (see Gideon Elford, 'Equality of Opportunity and Other-Affecting Choice: Why Luck Egalitarianism Does Not Require Brute Luck Equality', *Ethical Theory and Moral Practice*, 16, 1 (2013): 139-149).

<sup>42</sup> I am grateful to an anonymous reviewer for raising this point.

<sup>43</sup> Dworkin 2000 op. cit., p. 73.

<sup>44</sup> Earlier versions of this paper have been presented at workshops held at the University of Oslo and the University of Bergen. I am very grateful to Kim Angell, Lene Bomann-Larsen, Cornelius Cappelen, Alexandra Couto, Göran Duus-Otterström, Jakob Elster, Eli Feiring, Inger Marie Lid, Kasper Lippert-Rasmussen, and two anonymous referees for many helpful comments. Work on this paper has been supported by the Norwegian Research Council (Grant number: 222541).